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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,970	06/19/2000	Guillaume Sebire	297-009466-US(PAR)	3794

7590 09/06/2005  
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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT PAPER NUMBER

2638

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/595,970

Applicant(s)

SEBIRE ET AL.

Examiner

Lawrence B Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's preamble of claim 4 cites "a transmission system comprising:" while the body of the claim discloses a receiving device in line 14 of the claim. Examiner suggests applicant change "transmission system" to "communication system".

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhn (US Patent 6,256,487 B1) in view of Watanabe et al. (US Patent 5,991,642).

(1) With regard to claim 1, Bruhn discloses in Fig(s) 3a-b, a method for conveying information over a wireless interface in the form of a digitally encoded message, comprising the steps of providing a set of bits as a first piece of information to be transmitted (col. 6, lines 46-50), applying a certain baseband signal processing method to process the bits to be transmitted, providing a second piece of information to be transmitted (col. 7, lines 9-21) and selecting the baseband signal processing method from a set of allowed baseband signal processing methods in accordance with the provided second piece of information (col. 6, lines 6-41). Bruhn does not disclose the second piece of information indicating capabilities of a transmitter for said first and second pieces of information.

However, Watanabe et al. discloses a mobile communication system where information is provided as to the capabilities of the transmitters in the communications system (col. 8, lines 35-67).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Watanabe et al with the teachings of Bruhn as a method of ensuring selection of an optimum speech encoding scheme for use between mobiles in a communications network (col. 7, line 61-col. 2, line 8).

(2) With regard to claim 2, Bruhn also discloses in Fig.3 (a), a transmitting device for transmitting information over a wireless interface in the form of a digitally encoded message, comprising: means (48) for providing a set of bits as a first piece of information to be transmitted means for applying a certain baseband signal processing method to process the bits to be transmitted, means (50) for providing a second piece of information to be transmitted and means (78) for selecting the baseband signal processing method from a set of allowed baseband signal

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processing methods in accordance with the provided second piece of information. Bruhn does not disclose means for providing the second piece of information indicating capabilities of a transmitter for said first and second pieces of information. However, Watanabe et al. discloses means (Fig. 2, element 80) for providing information indicating the capabilities of a transmitter (col. 8, lines 54-67).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Watanabe et al with the teachings of Bruhn as a method of ensuring selection of an optimum speech encoding scheme for use between mobiles in a communications network (col. 7, line 61-col. 2, line 8).

(3) With regard to claim 3, Bruhn also discloses in Fig. 4, a receiving device for receiving information over a wireless interface in the form of a digitally encoded message, comprising: means (107) for receiving a set of bits as the representative of a first piece of received information, means for applying a certain baseband signal processing method (306-309) to process the set of bits, means (107) for selecting the baseband signal processing method from a set of allowed baseband signal processing methods so that applying it produces a first piece of received information which satisfies a certain criterion of acceptance. Bruhn does not disclose means for providing a second piece of received information in the form of the identified baseband signal processing method, said second piece of information indicating capabilities of a transmitter for said first and second piece of information.

However, Watanabe et al. discloses means (Fig. 2, element 80) for providing information indicating the capabilities of a transmitter (col. 8, lines 54-67).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Watanabe et al. with the teachings of Bruhn as a method of ensuring selection of an optimum speech encoding scheme for use between mobiles in a communications network (col. 7, line 61-col. 2, line 8).

(4) With regard to claim 5, claim 5 inherits all limitations of claim 1 above. As noted above, Bruhn in combination with Watanabe et al. discloses all limitations of claim 1. Furthermore, Bruhn also discloses wherein the selection comprises selecting the baseband signal processing method from between alternative scrambling functions, between alternative convolutional codes or between alternative parity bit calculation methods in accordance with the provided second piece of information (col. 2, lines 28-41).

(5) With regard to claim 6, claim 6 inherits all limitations of claim 2, above. As noted above, Bruhn in combination with Watanabe et al. discloses all limitations of claim 2. Furthermore, Bruhn also discloses wherein the selection comprises selecting the baseband signal processing method from between alternative scrambling functions, between alternative convolutional codes or between alternative parity bit calculation methods in accordance with the provided second piece of information (col. 2, lines 28-41).

(6) With regard to claim 7, claim 7 inherits all limitations of claim 3, above. As noted above, Bruhn in combination with Watanabe et al. discloses all limitations of claim 3. Furthermore, Bruhn also discloses wherein the selection comprises selecting the baseband signal processing method from between alternative scrambling functions, between alternative convolutional codes or between alternative parity bit calculation methods in accordance with the provided second piece of information (col. 2, lines 28-41).

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6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhn (US Patent 6,256,487 B1) in view of Watanabe et al. (US Patent 5,991,642).

(1) With regard to claim 4, Bruhn discloses a transmission system comprising: a transmitting device (Fig. 3(a) and a receiving device (Fig. 4), the transmitting device including means for providing a set of bits as a first piece information be transmitted (Fig. 3(a), elements 40, 42) and means for applying a certain baseband signal processing method to process the bits be transmitted, the transmitting device further including means for providing second piece of information be transmitted (Fig. 3, element 48), and means for selecting the baseband signal processing method from a set of allowed baseband signal processing methods accordance with provided second piece of information (Fig. 3, element 52), the receiving device (Fig. 4) including means for receiving a set of bits as the representative of first piece of received information (Fig. 4, element 107) and means for applying a certain baseband signal processing method to process the set of bits (Fig. 4, elements 109, 112), and the receiving device further including means (Fig. 4, element, 107) for selecting the baseband signal processing method from a set of allowed baseband signal processing methods so that applying it produces a first (to channel encoder, Fig. 4, element 109) piece of received information which satisfies a certain criterion of acceptance and means (Fig. 4, element 107) for providing a second piece of received information (to speech decoder, Fig. 4, element 112) in the form of the identified baseband signal processing method (col. 7, lines 54-65).

Bruhn does not however disclose the second piece of information indicating capabilities of a transmitter for said first and second pieces of information,

However, Watanabe et al. discloses means (Fig. 2, element 80) for providing information indicating the capabilities of a transmitter (col. 8, lines 54-67).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Watanabe et al with the teachings of Bruhn as a method of ensuring selection of an optimum speech encoding scheme for use between mobiles in a communications network (col. 7, line 61-col. 2, line 8).

(2) With regard to claim 8, claim 8 inherits all limitations of claim 4, above. As noted above, Bruhn in combination with Watanabe et al. discloses all limitations of claim 4. Furthermore, Bruhn also discloses wherein the selection comprises selecting the baseband signal processing method from between alternative scrambling functions, between alternative convolutional codes or between alternative parity bit calculation methods in accordance with the provided second piece of information (col. 2, lines 28-41).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.) Trompower et al. discloses in US Patent 6,052,408 Cellular Communication System With Dynamically Modified Data Transmission Parameters.

b.) Trans US Patent 6,377,640 B1 Means And Methods For A Synchronous Network Communications Systems.



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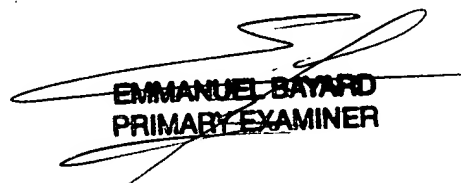
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

lbw  
August 29, 2005

  
**EMMANUEL BAYARD**  
**PRIMARY EXAMINER**